

To: Steinbauer, Gary[steinbauer.gary@epa.gov]; Gardinier, Susan[Gardinier.Susan@epa.gov]; Kemper, Ryan Russell[RKemper@thompsoncoburn.com]; Chamberlain, Sara L.[SChamberlain@thompsoncoburn.com]; Harner, Benjamin S.[BHarner@thompsoncoburn.com]; Garypie, Catherine[garypie.catherine@epa.gov]; Krallman, John[krallman.john@epa.gov]
Cc: Avila, Aaron[avila.aaron@epa.gov]
From: Kellmeyer, Joseph
Sent: Tue 3/21/2017 3:20:36 PM
Subject: RE: Veolia ADR status conference
[mYW.PDF](#)

Gary –

As you know, Veolia is a French owned company. Recently, Veolia's management became aware of the attached memo and expressed concern as to whether Region 5 will really have authority to settle matters at ADR in light of the memo. I indicated that I believed Region 5 would have such authority, but when I was pressed for the name of an individual at Region 5 who was participating in the ADR process and would have such authority, I could not respond. Veolia asked that I make such an inquiry to Region 5. Would you mind providing me with a name of someone who will be at the ADR process with authority to bind Region 5 so that I can share this information with Veolia.

Sorry about the inconvenience, but I can understand Veolia's concern in light of the memo and various news releases concerning changes at Region 5 and EPA. Veolia emphasized in no uncertain terms that it does not wish to spend its time and money on a process that will end in frustration if Region 5 does not have proper authority. I simply need a name to move forward.

Thank you.

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From: Steinbauer, Gary [mailto:steinbauer.gary@epa.gov]
Sent: Monday, March 20, 2017 3:43 PM
To: Gardinier, Susan; Kellmeyer, Joseph; Kemper, Ryan Russell; Chamberlain, Sara L.; Harner, Benjamin S.; Garypie, Catherine; Krallman, John
Cc: Avila, Aaron
Subject: RE: Veolia ADR status conference

Ms. Gardinier:

Thank you very much for your email. This will confirm that Catherine Garypie, John Krallman, and I are available on Tuesday, April 4 at 3 pm eastern/2 pm central time for the ADR status conference call.

We look forward to speaking with everyone on the call.

Best regards,

Gary

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From: Gardinier, Susan
Sent: Monday, March 20, 2017 11:09 AM
To: jkellmeyer@thompsoncoburn.com; rkemper@thompsoncoburn.com; schamberlain@thompsoncoburn.com; bharner@thompsoncoburn.com; Garypie, Catherine <garypie.catherine@epa.gov>; Steinbauer, Gary <steinbauer.gary@epa.gov>; Krallman, John <krallman.john@epa.gov>
Cc: Avila, Aaron <avila.aaron@epa.gov>
Subject: Veolia ADR status conference

Good morning,

Thank you all for providing feedback to our proposed dates and times for the ADR status conference. Based on your responses, Judge Avila would like to schedule the ADR status conference call for Tuesday, April 4, at 3 pm Eastern Time/2 pm Central Time. At your earliest convenience, please reply to all on this email to confirm that you will be able to participate and listing who will be participating for you. We will circulate dial-in information when we get closer to that date. Again, the call should last between 30 and 45 minutes, and we will use the time to discuss the parameters of the ADR proceeding as well as logistics for conducting the ADR.

One of the items we will discuss during the status conference is the confidential issue summaries. Rather than waiting for the status conference to set a timeline for submission of the issue summaries, and in the interest of allowing counsel to plan the most effective use of their time, Judge Avila would like to receive those issue summaries no later than Friday, April 14.

Given that the status conference will not occur for another two weeks, Judge Avila also requests that the parties consider when during the first two weeks of May you would be available for in-person ADR, and be ready to finalize the dates during the call on April 4. We typically set two consecutive dates for the in-person ADR, with a follow-up third date in reserve. One possibility would be to schedule the first two dates in the first week of May, with a third date in reserve the second week of May. We are cognizant that everyone will need time to plan their travel, including your clients should they wish to attend. Please also consider who has the authority to make a final decision on any agreement in principle that we reach. While that person need not be in the room during the ADR, it is advantageous to inform him or her in advance of when the ADR will occur to ensure that you can easily maintain contact throughout the ADR proceeding.

Thank you for your flexibility, and we look forward to working with you.

Regards,

Judge Aaron Avila and Susan Gardinier Kimball, Senior Counsel to the Board

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